IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE BILAL NAZKI

WRIT PETITION NO : 27240 of 1995

Between:

Gadde Prabhu Kumar S/o Subba Rao
Sunkara Narsaiah Street Gunadala Vijayawada **.....**
PETITIONER

AND

1.The Spl Officer And Competent Authority Urban Land Cellings
Vijayawada – 520002.
2.The Commissioner Of Land Reforms Urban Land Cellings
Nampally Hyderabad
3.The Principle Secretrary Revenue (Uc-I)Dept
Secretriate Buildings Hyd
4.G.V.Subba Rao S/O Seshaiah
Gunadala Vijayawada
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the proceedings in c.c.no. 373/79 dated 13-8-1979 on the file of the 1st respondent to re-compute the same in the light of the aforesaid judgments of the supreme courts and the clarifications issued by the government under the urban land ceiling act after giving due opportunity to me.

Counsel for the Petitioner: MR.P.M.GOPAL RAO

Counsel for the Respondent Nos.1 to 3: GP FOR LAND CEILING

Counsel for the Respondent No.4: None appeared.

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ORDER:

Heard learned Counsel for the parties.

The petitioner was aggrieved of orders passed under Urban Land Ceiling Act and he filed an appeal before the appellate authority. He dismissed the appeal on the ground that the appellant had approached the Court after 16 years whereas the limitation for filing the appeal was 30 days. The case of the petitioner is that he was living in a joint family with his father. His father filed a declaration under Section 6(1) of the Urban Land Ceiling Act with respect to the property held by the joint family. His father however under Part B in statement under Section 6 of the Act made a categorical statement that one of his sons Prabhu Kumar was aged 22 years on the date of making the declaration. He had also mentioned the date of birth of his son Prabhu Kumar as 13-9-1954. Prabhu Kumar is the present writ petitioner. He had also mentioned in the form that the major son and major daughter are claiming equal share from the undivided family. His contention is that once his father had disclosed that he had a major son, then the major son was entitled to a separate holding under the Act. But in spite of this there was no notice given to the petitioner and he had no knowledge. When he came to know about it, he filed the appeal.

On the other hand, the respondents have filed their counter

and the counsel for the respondents submits that as the petitioner's father had not produced any documentary evidence showing his son was major, the entire property had been taken as one family unit. In the counter, it has been stated that it was for the petitioner to show to the concerned authorities that he was major on the appropriate date. I fail to understand if the petitioner's father had declared that he had a major son, how could the petitioner prove his majority in the absence of a notice to him. Once it was disclosed by his father that the petitioner was major, it was incumbent upon the authorities under the Act, who made several orders at different levels, to issue a notice to the petitioner.

In this view of the matter, the order of the appellate authority cannot sustain which is accordingly set aside. The appellate authority is directed to hear the matter on merits and pass appropriate orders after hearing the parties. It will be open to the parties to raise all the contentions available to them under law before the appellate authority.

Writ petition is accordingly disposed of. No costs.

9th September, 2004

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1.The Spl Officer And Comptent Authority Urban Land Cellings, Vijayawada – 520 002

2.The Commissioner Of Land Reforms Urban Land Cellings Nampally, Hyderabad

3.The Principle Secretrary Revenue (Uc-I)Dept Secretriate Buildings Hyderabad.

4.Two CCs to the G.P. for Land Ceiling, High Court Buildings, High Court of A.P., Hyderabad (O.U.T.)

5. Two CD copies.

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